

objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 0F3834/R2173] (including any objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 0F3834/R2262], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and hearing requests filed with the Hearing Clerk can be sent directly to EPA at: opp-Docket@epamail.epa.gov

A copy of electronic objections and hearing requests filed with the Hearing Clerk must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept

in paper form. Accordingly, EPA will transfer any objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all objections and hearing requests submitted directly in writing. The official rulemaking record is the paper record maintained at the address in "ADDRESSES" at the beginning of this document.

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. Under section 3(f), the order defines a "significant regulatory action" as an action that is likely to result in a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities (also referred to as "economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of the Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 12, 1995.

Stephen L. Johnson,
Director, Registration Division, Office of
Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. In § 180.441, by revising paragraph (c), to read as follows:

§ 180.441 Quiazalofop ethyl; tolerances for residues.

* * * * *

(c) Tolerances are established for the combined residues of the herbicide quiazalofop-p ethyl ester [ethyl (R)-(2-[4-((6-chloroquinoxalin-2-yl)oxy)phenoxy]propanoate)], and its acid metabolite quiazalofop-p [R-(2-(4-((6-chloroquinoxalin-2-yl)oxy)phenoxy))propanoic acid], and the S enantiomers of both the ester and the acid, all expressed as quiazalofop-p ethyl ester, in or on the following raw agricultural commodities:

Commodity	Parts per million
Cottonseed	0.05
Lentils	0.05

[FR Doc. 95-23571 Filed 9-26-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180

[PP 3F4174/R2175; FRL-4979-5]

RIN 2070-AB78

Chlorethoxyfos; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the insecticide phosphorothioic acid, 0,0-diethyl 0-(1,2,2,2-tetrachloroethyl) ester (proposed common name, "chlorethoxyfos"), in or on the raw agricultural commodities of field, pop, and sweet corn at 0.01 part per million (ppm). E.I. Du Pont de Nemours & Co. submitted a petition for the regulation to establish these maximum permissible levels for residues of the insecticide pursuant to the Federal Food, Drug and Cosmetic Act (FFDCA).

EFFECTIVE DATE: This regulation became effective on September 18, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 3F4174/R2175], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 3F4174/R2175]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis H. Edwards, Product Manager (PM-19) Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6386; e-mail: edwards.dennis@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the Federal Register of October 21, 1993 (58 FR 54353), EPA issued the initial filing of a pesticide petition, PP 3F4174, from Du Pont, Agricultural Products, Walker's Mill, Barley Mill Plaza, P.O. Box 80038, Wilmington, DE 19880-0038, proposing to amend 40 CFR part 180 by establishing a regulation to permit

residues of chlorethoxyfos in or on corn; sweet corn separate from field corn (corn, field, forage) at 0.01 ppm; corn, field, fodder at 0.01 ppm; corn, field, silage at 0.01 ppm; corn, pop, forage at 0.01 ppm; corn, pop, fodder at 0.01 ppm; corn, grain at 0.01 ppm; corn, sweet (kernels, cob with husk removed) at 0.01 ppm; corn, sweet, forage at 0.01 ppm; and corn, sweet, fodder at 0.01 ppm. Subsequently, EPA issued a notice of amended filing, published in the Federal Register of August 17, 1995 (60 FR 42885), which announced that E.I. Du Pont de Nemours & Co., had submitted the amended pesticide petition (PP 3F4174) to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish tolerances for residues of the insecticide phosphorothioic acid, *O,O*-diethyl *O*-(1,2,2,2-tetrachloroethyl) ester ("chlorethoxyfos"), in or on the raw agricultural commodity corn [corn grain—field, pop; corn forage—field, sweet; corn fodder (stover)—field, pop, sweet; and, sweet corn—kernel and cob with husk removed] at 0.01 ppm.

There were no comments or requests for referral to an advisory committee received in response to the notices of filing. All relevant materials have been evaluated. The toxicology data considered in support of the tolerance include:

1. A 2-year chronic feeding/carcinogenicity study in the rat with a no-observed-effect level (NOEL) of 0.154 milligram (mg)/kilogram (kg)/day (d) for males and 0.416 mg/kg/d for females (4 ppm) for cholinesterase inhibition (ChE); and a NOEL of 0.311 mg/kg/d for males and 0.416 mg/kg/d for females (8 ppm) for systemic effects.

2. An 18-month chronic feeding/carcinogenicity study in the mouse with a NOEL of 3.25 mg/kg/d for males and 4.63 mg/kg/d for females (25 ppm) and no treatment-related increases in neoplasms.

3. A 2-year chronic feeding study in the dog with a NOEL of 0.063 mg/kg/d for males and 0.065 mg/kg/d for females (2 ppm) for ChE, and a NOEL of 0.616 mg/kg/d for males and 0.591 mg/kg/d for females (20 ppm) for systemic effects.

4. A two-generation rat reproduction study with a parental NOEL of 0.296 mg/kg/d for males and 0.357 mg/kg/d for females (4 ppm), and a reproductive NOEL of 0.607 mg/kg/d for males and 0.776 mg/kg/d for females (8 ppm).

5. A developmental toxicity study in the rat with a maternal NOEL of 0.25 mg/kg/d, and a developmental NOEL of 0.25 mg/kg/d.

6. A developmental toxicity study in the rabbit with a maternal NOEL of 0.76 mg/kg/d, and a developmental NOEL of 1.38 mg/kg/d with no evidence of teratogenicity.

Chlorethoxyfos has been classified under "Group D" (not classifiable as to human carcinogenicity) by EPA's OPP/HED's Reference Dose (RfD)/Peer Review Committee.

The reference dose (RfD), based upon the combined subchronic and chronic toxicity studies in dogs with an overall NOEL of 0.061 mg/kg/d for males and 0.062 mg/kg/d for females (based on cholinesterase inhibition) (2 ppm), and an uncertainty factor (UF) of 100, was calculated to be 0.0006 mg/kg/d. The theoretical maximum residue contribution (TMRC) using proposed permanent tolerances for the proposed commodities is 0.000006 mg/kg/d for the overall U.S. population and 0.000015 mg/kg/d for children (1 to 6 years old). This represents 1.0% and 2.4% of the RfD, respectively. This is a worst-case estimate of dietary exposure with all residues at tolerance level and 100 percent of the commodities assumed to be treated with chlorethoxyfos. Dietary exposure from the proposed use will not exceed the reference dose for any subpopulation (including infants and children) based on the information available from EPA's Dietary Risk Evaluation System.

The nature of the chlorethoxyfos residue in plants and animals is adequately understood. The plant metabolite of chlorethoxyfos, trichloroacetic acid (TCA), is not of toxicological concern at the level found, and therefore will not require the establishment of tolerances. Residues of chlorethoxyfos and its oxygen analog are not expected to be detectable (less than 0.01 ppm, limit of quantitation for each) in corn grain, corn forage and stover as a result of the proposed use (by soil application). Residues of TCA are not expected to be detectable (less than 0.01 ppm) in corn grain, and no greater than 0.04 ppm in corn forage and stover. Metabolites of chlorethoxyfos in the goat via an orally administered route include carbon dioxide, serine, glycine, and lactose, with insignificant levels of undegraded parent and its oxygen analog. For the proposed use on corn, no tolerances are required for residues in animal commodities.

The submitted analytical methodology is adequate for enforcement purposes at the proposed 0.01-ppm tolerance level. The proposed enforcement methodology is a gas chromatography electron capture (GC/EC) method which has undergone

successful independent laboratory and EPA method validation.

There are adequate geographically representative crop field trial data to show that residues of chlorethoxyfos will not exceed the proposed tolerance on corn commodities at 0.01 ppm when used as directed.

The Agency is concurrently issuing a 3-year conditional registration for chlorethoxyfos use on corn. Additional toxicology and exposure studies are being conducted by the registrant, DuPont. These data are needed to more accurately refine the Agency's risk assessment for chlorethoxyfos.

There are presently no actions pending against the registration of this chemical.

This pesticide is considered useful for the purposes for which the tolerance is sought and capable of achieving the intended physical or technical effect. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 3F4174/R2175] (including objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and hearing requests, identified by the document control number [PP 3F4174/R2175], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

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Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is "significant" and therefore subject to all the requirements of the Executive Order (i.e., Regulatory Impact Analysis, review by the Office of Management and Budget (OMB)). Under section 3(f), the order defines "significant" as those actions likely to lead to a rule (1) having an annual effect on the economy of \$100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also known as

"economically significant"); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.

Pursuant to the terms of this Executive Order, EPA has determined that this rule is not "significant" and is therefore not subject to OMB review.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the Federal Register of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 15, 1995.

Peter Caulkins,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding new § 180.486 to read as follows:

§ 180.486 Phosphorothioic acid, 0,0-diethyl 0-(1,2,2,2-tetrachloroethyl) ester; tolerances for residues.

Tolerances are established permitting the residue of the insecticide phosphorothioic acid, 0,0-diethyl 0-(1,2,2,2-tetrachloroethyl) ester in or on the following raw agricultural commodities:

Commodity	Parts per million
Corn, field, grain	0.01
Corn, field, forage	0.01
Corn, field, stover (fodder)	0.01
Corn, pop, grain	0.01
Corn, pop, stover (fodder)	0.01
Corn, sweet (K + CWHR)	0.01

Commodity	Parts per million
Corn, sweet, forage	0.01
Corn, sweet, stover (fodder)	0.01

[FR Doc. 95-24006 Filed 9-26-95; 8:45 am]

BILLING CODE 6560-50-F

40 CFR Part 180**[PP 3F4186/R2174; FRL-4979-1]****RIN 2070-AB78****Fenpropathrin; Pesticide Tolerance****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

SUMMARY: This rule establishes time-limited tolerances with an expiration date of November 15, 1997, for residues of the pyrethroid fenpropathrin in or on the raw agricultural commodities (RACs) strawberries and tomatoes. Valent U.S.A. submitted petitions under the Federal Food, Drug and Cosmetic Act (FFDCA) that requested a regulation to establish these maximum permissible levels for residues of the insecticide.

EFFECTIVE DATE: This regulation becomes effective September 27, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number [PP 3F4186/R2174], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled "Tolerance Petition Fees" and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted

on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [PP 3F4186/R2174]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: George T. LaRocca, Product Manager (PM) 13, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Second Floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-305-6100; e-mail: larocca.george@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the Federal Register of October 21, 1993 (58 FR 54354), which announced that Valent U.S.A. Corp., 1333 N. California Blvd., Suite 600, Walnut Creek, CA 94596, had submitted pesticide petition (PP) 3F4186 and food/feed additive petition (FAP) 3H5661 to EPA requesting that the Administrator, pursuant to sections 408(d) and 409(b) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d) and 348(b), establish tolerances for residues of the insecticide fenpropathrin (*alpha*-cyano-3-phenoxybenzyl 2,2,3,3-tetramethylcyclopropanecarboxylate) in or on the raw agricultural commodities (RACs) strawberries at 2 parts per million (PPM); tomatoes (fresh market, Florida only) at 0.5 ppm; and tomato cannery waste at 5 ppm. EPA issued a revised notice, published in the Federal Register of November 2, 1994 (59 FR 54911), in which Valent U.S.A. proposed to amend PP 3F4186 by increasing the tolerances for fenpropathrin in or on the RAC tomatoes from 0.5 to 0.6 ppm and removing the fresh marketing regional restrictions for tomatoes; establish tolerances for fenpropathrin in or on strawberries (caps removed) at 2.0 ppm; meat and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.1 ppm; fat of cattle, goats, hogs, horses, and sheep at 1.0 ppm; milk fat (reflecting 0.11 ppm in whole milk) at 2.75 ppm; poultry meat, fat, and meat byproducts and eggs at 0.02 ppm; and amending the FAP 3H5661 by replacing the proposed tomato cannery waste tolerance with proposals for tolerances in or on tomato pomaces (wet) at 6.00

ppm and tomato pomaces (dry) at 3.00 ppm.

In a letter dated August 30, 1995, Valent U.S.A. requested withdrawal of the feed additive petition (3H5661) in or on tomato pomaces and deletion of the proposed tolerances in meat, milk, poultry, and eggs. Valent U.S.A.'s withdrawal and deletion of certain tolerances were submitted in response to EPA's latest revision (unpublished) to Table II of the Pesticide Assessment Guidelines, Subdivision O (Residue Chemistry) Raw Agricultural and Processed Commodities and Livestock Feeds Derived from Field Crops. With respect to tomatoes, EPA concluded that tomato pomaces (wet and dry) are no longer considered significant animal feedstuffs. Although the latest revisions to the Livestock Feed Table for Subdivision O of the Pesticide Assessment Guidelines have not yet been published, pending petitions will continue to be processed based upon previous regulations, except they will be given the benefit of any appropriate revised or reduced residue data requirements if needed.

No comments were received in response to the notices of filing.

The scientific data submitted in the petitions and other relevant material have been evaluated. The toxicological and metabolism data and analytical methods for enforcement purposes considered in support of these tolerances are discussed in detail in related documents published in the Federal Register of April 14, 1993 (58 FR 19357).

A dietary exposure/risk assessment was performed for fenpropathrin using a Reference Dose (RfD) of 0.025 mg/kg/day. The RfD is based on a no-observable-effect level (NOEL) of 2.5 mg/kg/body weight/day (100 ppm) and a uncertainty factor of 100 from a 1-year dog-feeding study that demonstrated tremors in test animals at the lowest effect level. The current estimated dietary exposure for the overall U.S. population and nonnursing infants (less than 1 year old), the subgroup population exposed to the highest risk, is 0.4% and 0.5% of the RfD, respectively. The current action will increase exposure to 4.1% and 3%, respectively. Generally speaking, the Agency has no cause for concern if total residue contribution for published and proposed tolerances is less than the RfD.

The metabolism of the chemical in plants and livestock is adequately understood for this use. Any secondary residues occurring in meat, fat, meat by products of cattle, goats, hogs, horses, poultry, sheep and eggs will be covered by the existing tolerances. An adequate